

Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested.

Applicants first hereby affirm the telephonic provisional election of Group I, claims 1-12, made without traverse on December 11, 2008, in response to the restriction requirement imposed on the same date.

In the present Amendment, the written description portion of the specification, claims 1-12, and the abstract of the disclosure have been amended. New claims 19-21 have been added. Claims 1-21 are now pending in the application, with claims 13-16 withdrawn from consideration as being directed to a non-elected invention. Claims 1, 13, and 19 are independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

The specification has been editorially amended for conformance with 37 CFR § 1.77(c), for consistency, and to correct any informalities. The abstract has been editorially amended for conformance with 37 CFR § 1.72(b). The claims have been amended to more fully comply with U.S. practice. In view of the aforementioned claim amendments for compliance, new dependent claims 17 and 18 have been added to define features of the invention previously presented in the original claims.

Claim 1 has been amended to define an embodiment of the invention that includes, *inter alia*, "film guiding elements containing a porous material and being movable in a radial direction relative to the film tube so as to define a diameter of the film tube." Support for instant claim 1 is found, for example, in the disclosure at specification page 5/7, first paragraph.

New claims 19-21 have been added to further define the scope of protection sought for Applicants' invention.

Entry of each of the amendments is respectfully requested.

35 U.S.C. § 102(b) - Rettig

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,321,563 to Rettig et al. (hereinafter "Rettig").

The rejection of claims 1-4 under § 102(b) based on Rettig is respectfully deemed to be obviated. For at least the following reasons, the disclosure of Rettig does not anticipate Applicants' presently claimed invention.

As indicated above, instant claim 1 defines an embodiment of the invention that includes, *inter alia*, "film guiding elements containing a porous material and being movable in a radial direction relative to the film tube so as to define a diameter of the film tube."

Rettig discloses a process for the production of film from polypropylene (column 1, lines 12-15). A thermoplastic is extruded through an annular nozzle (column 1, lines 16-28). The tubular film is expanded to the desired diameter with air (column 1, lines 21-23). Next, the film tube is guided through a cooling device so that it cools to a temperature lower than the setting point of the thermoplastic. Then, the film tube is squeezed between a pair of rollers and taken off (column 1, lines 25-28). Rettig's cooling ring 7 has supply lines for the cooling medium (air or water) and a wall that can consist of a porous ceramic material (column 3, lines 25-61).

But, Rettig's device is structurally and functionally different in certain respects from Applicants' presently claimed system. According to Applicants' claimed system, the film tube 9 is first guided through a calibration cage 20, the diameter of which delimits the diameter of the film tube. Afterwards, the film tube 9 is guided through a flattening unit 21 in which the film tube 9 is transformed into a two-ply film web (specification page 4, last paragraph). The claimed system includes "film guiding elements [that are] *movable in a radial direction relative to the film tube so as to define a diameter of the film tube*" (see specification page 5, first paragraph). In one embodiment of the invention, the film guiding elements are compressed air reservoirs 26 that include plates made of the porous material 27. The plates

27 are arranged in such a way that the air exerts a force onto the film tube 9 (specification page 5, last paragraph).

Rettig fails to disclose, *inter alia*, Applicants' claimed feature of film guiding elements that are movable in the radial direction. Instead, Rettig discloses a device capable of producing a film tube having a *diameter that is fixed by the width of the cooling ring 7*. That is, Rettig discloses that "[t]he air carries out a perpendicular and laminar flow to the surface of the tubular film 2 in the width of the cooling ring 7" (column 3, lines 61-63). That is not Applicants' presently claimed invention.

Since Rettig does not meet each feature of the claimed invention, Rettig does not anticipate the invention defined by Applicants' instant claim 1. Claims 2-4 are allowable because they depend from claim 1, and for the subject matter recited therein.

35 U.S.C. § 103(a)

Claims 5-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rettig in view of DE 203 09 429 to Meyer. Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rettig in view of Meyer and further in view of U.S. Patent No. 5,700,489 to Portoff.

For at least the reasons outlined above in response to the rejection based on Rettig under § 102(b), each of the aforementioned rejections under § 103(a) is respectfully deemed to be obviated. Claim 1 is allowable over Rettig for at least the reasons explained

herein. Claims 5-12 are allowable because they each depend, either directly or indirectly, from claim 1, and for the subject matter recited therein. The combined disclosures of the cited references would not have rendered obvious Applicants' presently claimed invention because the disclosures of the additional references do not rectify any of the above-described deficiencies of Rettig.

Furthermore, there is simply no teaching in any of the references that would have led one to select the references and combine them in a way that would produce the embodiments of the invention defined by any of Applicants' presently pending claims.

Therefore, the various combinations of references would not have rendered obvious the embodiments of the invention defined by any of Applicants' presently pending claims 5-12.

New claims 19-21 have been added to further define the scope of protection sought for Applicants' invention. New claims 19-21 are also allowable. Since independent claim 21 includes at least the features discussed above with respect to the rejection based on Rettig, the reference neither anticipates nor would have rendered obvious the embodiments of the system defined by claims 19-21.

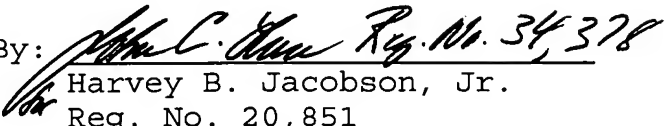
In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an

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interview might expedite prosecution, the examiner is invited to
contact the undersigned.

Respectfully submitted,

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